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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-8025

April 24, 1987

4/24/87

Environmental Protection Agency
Allied Bank Tower
1445 Ross Avenue
Dallas, Texas 75202

ATTN: Barbara Goetz

RE: Arkwood, Inc.

Dear Barbara:

Per our telephone conversation on Thursday, April 23, I am enclosing a copy of the letter we discussed. The letter is from Bill Doshier who represents the landowner where Arkwood, Inc. was located.

As you can see these people are putting a great deal of pressure on the Senator to obtain detailed answers to questions they have about the rating system used to determine that Arkwood, Inc. should be placed on the National Priority List.

We will appreciate it if you will provide us with the information requested in Mr. Doshier's letter.

Best personal regards.

Sincerely,

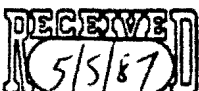
Don Floyd

Don Floyd
Arkansas Representative

DF/dfs

Enclosure

9456961



DOSHIER & BOWERS

ATTORNEYS AT LAW

215 WEST RUSH

P.O. BOX 1797

HARRISON, ARKANSAS 72602-1797

April 16, 1987

BILL F. DOSHIER
DAN R. BOWERS

APR 20 1987

TELEPHONE
501-741-6166

Mr. Don Floyd
Administrative Assistant
Office of Senator Dale Bumpers
2527 Federal Building
Little Rock, AR 72203

RE: Arkwood, Inc., Site at Omaha,
Arkansas

Dear Don:

I have received your letter of April 10, 1987, enclosing a copy of the response from Robert E. Layton, Jr., Regional Administrator, of the Environmental Protection Agency, Region VI. I have studied the administrator's letter and we do not consider it responsive to the issues involved and the questions we have asked. The response is made in general terms without any effort being made to explain the methods used by EPA to arrive at the score they have attached to this site. We challenge the scoring method used in this case as containing gross errors or intentional misstatements of conditions resulting in the assigned score being erroneous and defective. You will note that the score is just slightly above the magic number and we want an explanation of the scoring facts and underlying data.

It is our opinion, that when the data and factors are revealed and tested with truth and accuracy, that the HRS score is significantly smaller than 34.21 claimed by EPA. It is also bewildering to us that a site can be included on the national priorities list (Superfund) simply because it is nominated for such inclusion by some source or person. As Americans we have to believe that an action taken by our government is based on the law and then on true facts of the situation governed by said law. We become more firmly convinced of gross error when the official in charge of the action attempts to explain it in general and vague terms and incorrect assumptions. We do not believe there is any dioxin involved in this site and the letter seems to indicate that there is dioxin present. Of course, this is a "scare" word that looks good in reports. There are not any reports indicating that several of the wells in the area may also be contaminated. The last report showed that there are no wells contaminated and even the on-site well is clear. This is not an "abandoned hazardous waste disposal site". This was an ongoing treatment plant, like hundreds of others throughout the country, which was voluntarily shut down and dismantled when the landowner

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learned that the operation did emit a low level of hazardous waste. We admit that we are being treated like a "hazardous waste disposal site" but maintain that it is not a correct label for an operating business that may have some emissions or waste that are on the hazardous chemicals list.

It was interesting to note in the response from the administrator that he does admit the reranking of the site and the apparent deletion of the 6,000 tons of sawdust that was in reality less than one ton. However, there is no explanation of how the reranking process was able to garner enough other points to replace the deleted items. We want an explanation of the ranking process and the reranking process to determine if it followed any genuine truthful procedure or if it was merely a "paste-up" to achieve the desired results. We think that the Senator should request the actual scoring process and underlying data to determine for himself if the ranking procedure was fair and accurate. We would also like to see the public comments as the response indicates that the public comments may have caused the site to achieve the HRS score.

You really need to see this site to appreciate our concern that the EPA is conducting an overkill project in this case. If the EPA has an abundance of funds and must look for sites upon which to operate without regard for reasonableness then I suppose we may have no redress. Also, if a site can be placed on the list by a bureau official without regard to following the ranking system then again I think we will achieve little through this process. However, if they too are accountable to the rules then I think the investigation of the factors involved in this ranking will reveal that the site does not exceed the 28.5 HRS score assigned as the dividing line. This is what we are asking, we want to see the records and basis the EPA used in arriving at their figure and if the figures are inflated, incorrect or erroneously interpreted we want them to change the rating, and spend their mammoth budget in some deserving location. The State of Arkansas is fully capable and willing to handle the minor problems involved in this site.

Don, our problem here is that we can't get anybody to check into the figures and make an unbiased evaluation of the ranking procedure. It is clearly outlined in the comments of MMI, which has already been furnished to you, that there are gross errors in

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the original ranking process. We do not know how the reranking process was able to replace the deleted figures with additional other figures but those figures may also be erroneous. Our goal at this point is to secure some review of this process and then confront EPA with the result of the unbiased review. However, a self-serving explanation such as the one received will not reach the problem we allege. I hope you and Dale will not permit the administrator to whitewash this request with such general and non-responsive replies such as the response of April 6, 1987, contains.

Thank you for your interest in our dilemma.

Very truly yours,

By: 

DOSHIER and BOWERS
ATTORNEYS AT LAW
P. O. BOX 1797
HARRISON, AR 72602-1797
(501) 741-6166

BFD/db

APR 08 1987

Honorable Dale Bumpers
 United States Senator
 2527 Federal Building
 Little Rock, Arkansas 72201

Dear Senator Bumpers:

Thank you for your letter of March 26, 1987, on behalf of your constituent, Mr. Bill Doshier. Mr. Doshier is concerned about the basis for the nomination of the Arkwood, Inc., site to the National Priorities List (NPL). I have reviewed this matter and am pleased to offer the following information.

The Arkwood site was the location of a pentachlorophenol (PCP) and creosote wood-treating operation from about 1962 to 1984. During the facility's approximately 20 years of operation, PCP and creosote wastes were disposed of by dumping them directly onto the land's surface, and into the subsurface, via an on-site sinkhole. Chemical analyses of sinkhole fluids as well as soils in former waste disposal areas indicate moderate to high levels of numerous hazardous chemicals. These contaminants include a group of hazardous compounds known as polynuclear aromatic hydrocarbons, volatile organic priority pollutants such as benzene and toluene, PCP and polychlorinated dibenzodioxins ("Dioxin") and dibenzofurans.

In addition to on-site contamination, pollutants commonly found in creosote and PCP wastes have also been identified approximately 2,000 feet northwest of the site, in Cricket Spring. Groundwater sampling of local wells conducted by Mass Merchandisers, Inc. (MMI), one of the former site operators, indicates that several of these wells may also be contaminated. The primary goal of the ongoing remedial investigation is to determine the extent of contamination in groundwater as well as in surface water and soils.

The site was nominated for inclusion on the NPL on September 15, 1986. This nomination was based on the site's Hazard Ranking System (HRS) score. The HRS evaluates the quantity and toxicity of wastes at a site as well as the vulnerability of local populations and the environment to these wastes. The system is used nationwide to determine which abandoned hazardous waste disposal sites warrant nomination to the NPL. All sites achieving a HRS score of 28.5 or greater are nominated. The Arkwood, Inc., site received a HRS score of 34.21.

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DATE							

OFFICIAL FILE COPY

After nomination of a site is published in the Federal Register, there is a 60 day public comment period. EPA received comments from MMI and has re-evaluated the site in light of these comments. The sawdust pile, which Mr. Doshier has expressed concern over, was not considered to be contributing to the waste volume in the re-ranking of the site. However, after considering all public comments, the site still achieved a HRS score which warranted its nomination to the NPL.

The site is expected to be promulgated to the NPL in June 1987. Notice of the promulgation will be published in the Federal Register. At that time, the Agency's response to all comments received during the public comment period will be made available to the public.

Mr. Doshier also expressed concern over the high costs which are expected to be necessary to investigate and eventually remediate the site. These costs may be explained by the extremely complex hydrogeologic conditions at the site and the large number of highly toxic and persistent chemicals (e.g., dibenzodioxins) which must be addressed both on and off the site. In order to fully protect human health and the environment, a detailed two year study will be necessary to thoroughly characterize the extent of contamination at the site and to evaluate remedial alternatives.

I hope this information will be helpful in replying to your constituent. If I can be of further assistance, please contact me.

Sincerely yours,

Original Signed By:

Robert E. Layton Jr., P.E.
Regional Administrator

bcc: Satterwhite (6H)
Wright (6H-EE)
Hanneschlager (6H-E)
Davis (6H)
Goetz (6XCL)